

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1581 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgment?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

MANUBHAI PRABHUDAS PARMAR

Versus

QUALITY TEXTILES INDUSTRIES

Appearance:

MR PRADEEP PATEL for the Petitioner.
MR DHARMESH V SHAH for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 25/08/2004

ORAL JUDGEMENT

By filing this Civil Revision Application, the petitioner, who is the original defendant of Summary Suit No.5927 of 1995, has challenged the order of the trial court, by which the trial court has granted leave to

defend by directing the defendant to deposit Rs.15,000/-.

At the time of issuance of notice, a learned single Judge has passed the following order :-

"

Leave to place on record a copy of the writing dated 4.11.97.

After some amount of submission, Mr.P.J. Patel, L.A. for the petitioner frankly submits that the petitioner will deposit Rs.10,000/- by way of a condition for obtaining leave to defend. On account of this concession, notice returnable on 2.12.1997.

Ad interim relief in terms of para 5(C) till then. DSP.

... .."

It has been pointed out by the learned Advocate for the petitioner that the said amount has been deposited by the defendant in the trial court.

Mr.Shah, learned Advocate for the respondents, has submitted that he has no objection if the petitioner is granted leave to defend on depositing Rs.10,000/- as ordered by this Court. In view of the concession given by the learned Advocate for the respondent-original plaintiff, the order of the trial court is modified and the original defendant, the petitioner herein, is granted leave to defend the said suit on condition that he deposits Rs.10,000/- before the trial court. If the amount of Rs.10,000/- is deposited, there is no need to deposit further amount of Rs.10,000/-.

The order of the trial court is accordingly modified to the aforesaid extent. The petition is accordingly allowed to the aforesaid extent. Rule is made absolute accordingly.

Considering the fact that the Summary Suit is of 1995, the trial court may try to dispose of the same on or before 31st December, 2004.

Writ to be sent to the trial court forthwith.

(P.B. Majmudar, J.)

(apj)